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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,945

02/10/2004

Alexander B. Beaman

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2628

NOTIFICATION DATE

DELIVERY MODE

09/11/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com

Office Action Summary	Application No. 10/776,945	Applicant(s) BEAMAN ET AL.	
	Examiner Jeffery A. Brier	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/21/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on 05/21/2008 has been entered. The terminal disclaimer filed on 05/21/2008 has been approved and overcomes the obvious type double patenting rejection based on the 6,714,199 US Patent, however, an obvious type double patenting warning based on US Patent No. 5,926,199 is set forth below.

Response to Arguments

2. Applicant's arguments filed 05/21/2008 have been fully considered but they are not persuasive. Flowers obtains a glyph record array from glyph code layouts at column 3 lines 1-9, 25-30, claim 17, column 7 lines 23-25, 30-41, 57-65, column 8 lines 2-6, column 9 lines 1-12, column 11 lines 38-46, and column 12 lines 23-43 where character codes' font select glyph codes and fonts select glyph maps (claimed glyph array) which glyph maps may be remapped into updated glyph maps (claimed glyph array). Thus, the 35 USC 103 rejection of claims 13-18 is maintained and the 35 USC 103 rejection of claims 1-12 is held in abeyance in view of the following 35 USC 112 first paragraph rejection of claims 1-12.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 was amended to claim the graphics system configure to generate a glyph record array while the specification only describes the glyph server as generating a glyph record array. Refer to page 11 line 13 to page 12 line 2. Claim 8 was amended to claim the line layout core unit receives a glyph record array form the graphics system while the specification only describes the glyph server as generating a glyph record array and not receiving a glyph record array at the line layout core unit of the glyph server.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 claims “the glyph codes” and “a glyph record array” while parent claim 8 was amended to claim “a glyph record array” and deleted reference to “glyph codes”. Thus, claim 9 is unclear if “a glyph record array” is the same array of claim 8 or is a different array and “the glyph codes” lack antecedent basis in the claim.

Claim Rejections - 35 USC § 103

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers, Jr., US Patent No. 5,533,174, in view of Fenwick, US Patent No. 5,412,771, for the reasons given in the office action mailed on 02/10/2005 at pages 2-7 which is hereby incorporated by reference.

Double Patenting Warning

10. Claims 8-12 are broader versions of claims 1-5 of U.S. Patent No. 5,926,189.

Although the conflicting claims are not identical, however, they are very similar. The patented claims included the claim limitation of "providing a moniker attached to the font data to accelerate processing and providing font data length information" and "providing the line layout based text ordering which is also context and language dependent" both of which are not present in pending claim 8.

Since pending claim 7 was amended to claim "glyph record array" rather than "glyph codes" and in view of the above 35 USC 112 first paragraph rejection an obvious type double patenting rejection is NOT being made at this time but if the claims were amended to claim "a line layout unit receiving a glyph record array" then an obvious type double patenting rejection will be made. The claims correspond according to the following table.

Patented clam no.	1	2	3	4	5
Pending claim no.	8	9	10	11	12

11. The following is a detailed side by side comparison of the patented claims and the pending claims with the difference underlined.

Patented claim 1 of US Patent No. 5,926,189	Pending claim 8
<p>1. An apparatus for typographic glyph construction of a line of text in a graphics system operating in a computer system, the apparatus comprising:</p> <p>a line layout core unit receiving <u>glyph codes</u> from the graphics system, determining glyph data descriptions <u>and providing the line layout based text ordering which is also context and language dependent</u>;</p> <p>a glyph cache unit coupled to the line layout core unit for receiving the glyph data descriptions and determining if glyph data is in the glyph cache unit;</p>	<p>8. (Currently Amended) An apparatus for typographic glyph construction of a line of text in a graphics system running on a computer system and output on an output device of the computer system, the apparatus comprising:</p> <p>a line layout core unit receiving <u>a glyph record array</u> glyph codes from the graphics system and determining glyph data descriptions;</p> <p>a glyph cache unit coupled to the line layout core unit for receiving the glyph data descriptions and determining if glyph data is in the glyph cache unit;</p>

<p>an open font architecture services unit coupled to the glyph cache unit for permitting support of multiple font file formats;</p> <p>at least one scaler unit coupled to the open font architecture unit for receiving requests from the open font architecture unit and interpreting font data within a font file <u>including providing a moniker attached to the font data to accelerate processing and providing font data length information</u>;</p> <p>a font object management unit coupled to the at least one font scaler and handling requests for the font data; and</p> <p>an attribute group support unit supporting a data structure for communication among the line layout core unit, the glyph cache unit, the open font architecture services unit, the font scaler unit, and the font</p>	<p>an open font architecture services unit coupled to the glyph cache unit for permitting support of multiple font file formats;</p> <p>at least one scaler unit coupled to the open font architecture unit for receiving requests from the open font architecture unit and interpreting font data within a font file;</p> <p>a font object management unit coupled to the at least one font scaler and handling requests for the font data; and</p> <p>an attribute group support unit supporting a data structure for communication among the line layout core unit, the glyph cache unit, the open font architecture services unit, the font scaler unit, and the font</p>
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object management unit.	object management unit.
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Patented claims 2-5 and pending claims 9-12 are identical with the exception of the difference in patented parent claim 1 and pending parent claim 8.

Patented claim 2 of US Patent No. 5,926,189	Pending claim 9
2. The apparatus of claim 1 wherein the line layout core unit further processes a layout of the glyph codes to produce a glyph record array.	9. (Original) The apparatus of claim 8 wherein the line layout core unit further processes a layout of the glyph codes to produce a glyph record array.

Patented claim 3 of US Patent No. 5,926,189	Pending claim 10
3. The apparatus of claim 2 wherein the line layout core unit processes the layout for positional and non-positional adjustments.	10. (Original) The apparatus of claim 9 wherein the line layout core unit processes the layout for positional and non-positional adjustments.

Patented claim 4 of US Patent No. 5,926,189	Pending claim 11
4. The apparatus of claim 2 wherein the glyph cache unit provides metrics and renderings to update the glyph code array.	11. (Original) The apparatus of claim 9 wherein the glyph cache unit provides metrics and renderings to update the glyph code array.

Patented claim 5 of US Patent No. 5,926,189	Pending claim 12
5. The apparatus of claim 4 wherein the open font architecture services unit further updates the glyph code array with pointers to the glyph renderings.	12. (Original) The apparatus of claim 11 wherein the open font architecture services unit further updates the glyph code array with pointers to the glyph renderings.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/
Primary Examiner, Division 2628